

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CHAMBERS OF
LOIS H. GOODMAN
UNITED STATES MAGISTRATE JUDGE

CLARKSON S. FISHER U.S. COURTHOUSE
402 EAST STATE STREET
ROOM 7050
TRENTON, NJ 08608
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December 11, 2015

LETTER ORDER

**Re: ENGAGE HEALTHCARE COMMUNICATIONS, LLC v.
INTELLISPHERE, LLC
Civil Action No. 12-787 (FLW)**

Dear Counsel:

Before the Court is Defendants/Counterclaimants/Third Party Plaintiff's ("Defendants") application to withdraw their pending Motion for Leave to Amend [Docket Entry No. 154], without prejudice to their right to file a new and revised motion for leave to amend. *See* letter request [Docket Entry No. 164]. The request to withdraw and refile is in large part due to new counsel entering the case, and their assessment that they can "streamline several issues related to the claims and parties in this case." [Docket Entry No. 164].

Plaintiffs/Counterclaim Defendants ("Plaintiffs") oppose the request, arguing prejudice from the refiling of the motion, given the number of times Plaintiffs have already been required to respond to such motions; they ask for sanctions by way of an award of fees in opposing prior motions or leave to file a motion for sanctions. [Docket Entry No. 165].

In response to the objections and request for sanctions, Defendants reassure the Court that they "seek to avoid engaging in the same cycle that has transpired throughout the case" and also to avoid further motion practice down the road. [Docket Entry No. 167].

Based upon Defendants' assurances that the next iteration of their motion for leave to amend will clarify and streamline rather complicate the issues before the Court, the request is granted. The Clerk's Office is hereby instructed to terminate the motion [Docket Entry No. 154]. Defendants are given leave to refile the motion for leave to amend by no later than January 8, 2016, to be returnable February 1, 2016. Any request for sanctions shall be made by way of an application for leave to file a formal motion, after the motion to amend has been filed.

IT IS SO ORDERED.



LOIS H. GOODMAN
United States Magistrate Judge